

**THE HONORABLE SALVADOR MENDOZA, JR.**  
**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF WASHINGTON**

JOHN E. OROZCO,

Plaintiff,

vs.

YAKIMA SHERIFF'S OFFICE, YAKIMA  
COUNTY, and SERGIO REYNA and JANE  
DOE REYNA, JOHN DUGGAN and JANE  
DOE DUGGAN, and J. TOWELL AND  
JANE DOE TOWELL.

Defendants.

**NO. 1:22-cv-03058-SMJ**

**ANSWER TO COMPLAINT**

TO: Plaintiff;

AND TO: Attorneys for Plaintiffs.

COME NOW Defendants, by and through the undersigned counsel, and for Answer to the Plaintiff's Complaint, admits, denies and alleges as follows:

1.1 Defendants object to this paragraph as argumentative and lacking in any factual allegations that can be admitted or denied. Without waiving this objection, this paragraph is denied.

2.1 Defendants are without sufficient information to admit or deny and therefore denies the same.

**ANSWER TO COMPLAINT – 1**

**Cause No.: 1:22-cv-03058**

*LAW, LYMAN, DANIEL,*  
*KAMERRER & BOGDANOVICH, P.S.*  
*ATTORNEYS AT LAW*  
2674 R.W. JOHNSON RD. TUMWATER, WA 98512  
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1           2.2     Defendants admit the first sentence of this paragraph. The Defendants object to  
2 the second sentence as confusing and not an allegation of facts that can be admitted or denied.  
3 Without waving this objection, it is denied.

4           2.3     Defendants admit the first sentence of this paragraph. The Defendants object to  
5 the second sentence as confusing and not an allegation of facts that can be admitted or denied.  
6 Without waving this objection, it is denied.

7           2.4     Defendants admit the first sentence of this paragraph. The Defendants object to  
8 the second sentence as confusing and not an allegation of facts that can be admitted or denied.  
9 Without waving this objection, it is denied.

10          2.5     Defendants admit the first and second sentences of this paragraph. The  
11 Defendants object to the third sentence as a legal conclusion and not an allegation of facts that  
12 can be admitted or denied and it is denied on that basis.

13          2.6     The Defendants object to this paragraph as a legal conclusion and not an  
14 allegation of facts that can be admitted or denied and it is denied on that basis.

15          3.1     The Defendants object to this paragraph as a legal conclusion and not an  
16 allegation of facts that can be admitted or denied and it is denied on that basis.

17          3.2     The Defendants object to this paragraph as a legal conclusion and not an  
18 allegation of facts that can be admitted or denied and it is denied on that basis.

19          3.3     The Defendants object to this paragraph as a legal conclusion and not an  
20 allegation of facts that can be admitted or denied and it is denied on that basis.

21          3.4     Defendants are without sufficient information to admit or deny and therefore  
22 denies the same.

23          4.1     This paragraph requires no response.

24                   **ANSWER TO COMPLAINT – 2**

25                   **Cause No.: 1:22-cv-03058**

26                   LAW, LYMAN, DANIEL,  
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1           5.1     This paragraph is denied.

2           5.2     Defendants are without sufficient information to admit or deny and therefore  
3 denies the same.

4           5.3     This paragraph is denied.

5           5.4     This paragraph is denied.

6           5.5     This paragraph is denied.

7           5.6     Defendants are without sufficient information to admit or deny and therefore  
8 denies the same.

9           5.7     Defendants are without sufficient information to admit or deny and therefore  
10 denies the same.

11           5.8     This paragraph is denied.

12           5.9     Defendants are without sufficient information to admit or deny and therefore  
13 denies the same.

14           5.10    This paragraph is denied.

15           5.11    Defendants are without sufficient information to admit or deny and therefore  
16 denies the same.

17           6.1     This paragraph is denied.

18           6.2     This paragraph is denied.

19           6.3     This paragraph is denied.

20           6.4     This paragraph is denied.

21           6.5     This paragraph is denied.

22           Defendants further deny plaintiff is entitled to the relief he seeks in paragraphs 1 – 3 of  
23 the Prayer for Relief.

24           **ANSWER TO COMPLAINT – 3**

25           **Cause No.: 1:22-cv-03058**

26           LAW, LYMAN, DANIEL,  
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By way of FURTHER ANSWER and AFFIRMATIVE DEFENSES, Defendants allege:

1. That the plaintiff has failed to state a claim for which relief can be granted against these defendants.

2. That qualified immunity under state and federal law precludes plaintiff's claims.

3. That the public duty doctrine and qualified and/or good faith immunity preclude plaintiff's state law claims.

4. That the plaintiff's comparative fault and criminal conduct proximately caused his damages, if any.

5. That the plaintiff failed to mitigate his damages, if any.

6. That the plaintiff's damages, if any, were caused by fault of third-parties not in the control of Defendants.

7. That the Plaintiff was engaged in the commission of a felony at the time of the occurrence causing the injury and the felony was a proximate cause of the injury. Therefore, Plaintiff's claims are barred by RCW 4.24.420.

8. That the statute of limitations precludes some, or all, of plaintiff's claims.

9. That the plaintiff has failed to serve one or more of the defendants.

10. That there was an intervening or superceding cause.

11. That the plaintiff assumed the risk of injury.

12. That the plaintiff failed to mitigate his damages, if any.

Defendants expressly reserve the right to amend this Answer, including the addition of affirmative defenses warranted by investigation and discovery, and to make such amendments either before or during trial, including asserting other defense theories or conforming the pleadings to the proof offered at the time of trial.

**ANSWER TO COMPLAINT – 4**

**Cause No.: 1:22-cv-03058**

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1 WHEREFORE, Defendants pray as follows:

2 1. That plaintiff's Complaint be dismissed with prejudice and that plaintiff take  
3 nothing by his Complaint and that Defendants be allowed their costs and reasonable attorneys'  
4 fees herein.

5 DATED this 31<sup>st</sup> day of May, 2022.

6  
7 LAW, LYMAN, DANIEL,  
8 KAMERRER & BOGDANOVICH, P.S.

9 */s/ John E. Justice*

10 John E. Justice, WSBA No 23042  
11 Attorney for Defendants  
12 P.O. Box 11880, Olympia, WA 98508  
13 Phone: (360) 754-3480 Fax: 360-357-3511  
14 Email: [jjustice@lldkb.com](mailto:jjustice@lldkb.com)

**CERTIFICATE OF FILING & SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that on the date specified below, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, who will send notification of such filing to the following party:

**Counsel for Plaintiff:**

Jesse Valdez  
VALDEZ LEHMAN, PLLC  
14205 SE 36<sup>th</sup> Street, Ste 100  
Bellevue, WA 98006

DATED this 31<sup>st</sup> day of May, 2022, at Tumwater, WA.

*/s/ Tam Truong*

\_\_\_\_\_  
Tam Truong, Legal Assistant